

SB 1745 (Kuehl)
Protecting Victims of Domestic Violence, Sexual Assault, and Stalking from
Housing and Employment Discrimination

Fact Sheet

SB 1745, authored by Senator Sheila Kuehl, will protect the victims of domestic violence, sexual assault and stalking from discrimination in employment and housing and further protect the safety of those victims who are renters. Victims of domestic violence, sexual assault and stalking often face twin obstacles of discrimination in housing and employment as they struggle to put their lives back together after confronting violence.

Need for Legislation: Victims of domestic violence, sexual assault and stalking face housing and employment discrimination.

Domestic violence is a leading cause of homelessness for women and their children in California and across the nation. In a 2005 report by the U.S. Conference of Mayors, cities across the country identified domestic violence as one of the primary cause of homelessness.¹ Victims often are evicted or denied housing opportunities for no other reason than their status as a victim. Although the police may be dispatched to a victim's home to protect her or to remove the abuser from the home, in many instances she is then evicted from her housing for "causing a disruption" or for "participating in criminal activity." Or her landlord may refuse to let her stay in her apartment despite her ability to pay the rent after her husband or partner, who may be the primary wage earner, has left.

Victims often are forced to flee an abusive partner and to terminate a lease before its full term. Under current law, the large penalties assessed for such termination can destroy the victim's credit and make it very difficult for them to find new housing. Victims are refused new housing because of "history of violence", and end up homeless. A victim of domestic violence is, thus, often forced to choose between protecting her housing, which is a precious, and dwindling commodity, and returning to her abusive partner and the continuing cycle of violence. The social and personal costs are enormous (for example, medical care, emergency shelter, government benefits and unnecessary court proceedings).

Even after a victim ends a relationship with an abuser, the perpetrator may come to the victim's workplace, make harassing phone calls or contact co-workers. A recent survey conducted by major corporations concluded that 44% of employed adults surveyed have personally experienced the effects of domestic violence at their workplace.² Following reports of violence, some employers terminate employees simply because they are victims.

Being a victim of a robbery or a theft is not a reason to evict a tenant or to fire an employee. A person's status as a crime victim should not be a basis for determining whether or not she would be or is a good tenant or employee. While it is understandable that landlords and employers want to consider whether an applicant has *committed* a violent crime, the tenant's or employee's status as a victim of crime should not be relevant.

Existing law is Inadequate:

Existing California law does not expressly prohibit discrimination against victims of domestic violence, sexual assault, or stalking in housing and employment. Federal and state fair housing laws do prohibit discrimination on the basis of gender. Some courts and administrative agencies have held

¹ <http://www.usmayors.org/uscm/hungersurvey/2005/HH2005FINAL.pdf>

² In October 2005, the Corporate Alliance to End Partner Violence released the results of the first-ever national survey of employees on the impact of domestic violence in the workplace. The benchmark study was designed to discover how the general U.S. employee population perceives domestic violence as a workplace issue.
<http://www.caepv.org/membercenter/files/CAEPV%20Special%20Edition%20Newsletter%202006.pdf>

that there cannot be discrimination against domestic violence victims based on their status as victims of domestic violence. However, discrimination against victims continues to be widespread. This area of law needs to be clarified to give employers and landlords better guidance. In addition, existing law does not require landlords to change locks nor does it provide victims with an opportunity to terminate a lease early so they can move for safety reasons.

Summary of Legislation: SB 1745 protects victims of domestic violence, sexual assault, and stalking from housing and employment discrimination and provides renters with basic protections.

SB 1745 amends California statutes (Fair Employment and Housing Act, Government Code Section 12920 et seq.) that prohibit discrimination in housing and in employment against specifically identified protected persons by adding victims of domestic violence, sexual assault and stalking to those protected. The bill also strikes a reasonable balance between the needs of landlords and the safety needs of victims by allowing tenants time to move from their current rental housing before the end of the lease term without incurring penalties. It will require landlords to change the locks of dwellings at the victim's expense, and prevent them from providing abusers with copies of the keys.

This bill will ensure that victims of domestic violence, sexual assault and stalking can depend on stable housing when they need it most, when the alternatives are homelessness or going back to an abusive home. It will also enhance the victims' ability to protect their jobs, which if lost, exacerbate their trauma through a snowball effect: eviction for non-payment of rent, and subsequent dislocation and homelessness of victims and their children.

Amending California law will send a clear message to landlords, tenants, employers and employees, that it is unlawful to discriminate against victims of domestic violence, sexual assault and stalking based on their status as victims of these crimes.

How do other states deal with this?

Several states, including Washington, North Carolina and Rhode Island, recently passed legislation adding victim status to their anti-discrimination law, and expressly prohibiting housing discrimination against victims of domestic violence, sexual assault and stalking.

Eleven other states have passed laws providing protections for domestic violence victims that may include permission for victims to terminate leases, have their locks changed, call the police without repercussion and/or defend against evictions based on criminal activity or lease violations.

In Vermont, a court held that the federal Fair Housing Act prohibits discrimination against domestic violence victims.³ In Oregon, a lawsuit was settled favorably for the plaintiffs who brought a gender discrimination case against landlords for housing discrimination based on plaintiffs' status as a victim of domestic violence because survivors are disproportionately women.⁴

SB 1475 is co-sponsored by the California Partnership to End Domestic Violence (CPEDV), California Commission on the Status of Women, California National Organization for Women (NOW), American Civil Liberties Union (ACLU), and the Legal Aid Society - Employment Law Center.

³ *Bouley v. Young-Sabourin*, No. 1:03CV320 (D.Vt., March 10, 2005)(ruling on cross motions for summary judgment). <http://www.aclu.org/FilesPDFs/sj%20decision.pdf>

⁴ *United States and Alvera v. C.B.M. Group, Inc.*, No. 01-857-PA (D. Or. filed June 8, 2001) (consent decree). <http://www.legalmomentum.org/courts/USVAlvera.shtml>